

BLANK ROME LLP
Attorneys for Plaintiff
Jeremy J.O. Harwood (JH 9012)
405 Lexington Avenue
The Chrysler Building
New York, NY 10174
(212) 885-5000

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEATREK TRANS PTE LTD.,

Plaintiff,

- against -

REGALINDO RESOURCES PTE LTD.,

Defendant.

08 Civ. 00551 (LAP)

AFFIDAVIT OF
JEREMY J.O. HARWOOD

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

JEREMY J.O. HARWOOD, being duly sworn, deposes and says:

1. I am a member of the Bar of this Honorable Court and a member of the firm of Blank Rome, LLP, attorneys for the Plaintiff, Seatrek Trans Pte Ltd. ("Seatrek") herein. I submit this supplemental affidavit in response to the affidavit of Donald J. Kennedy, counsel for Regalindo Resources Pte, Ltd., ("Regalindo") dated March 20, 2008.

2. Mr. Kennedy quotes from the undersigned's brief and then quotes from an email from the garnishee bank's counsel that purportedly contradicts the brief. Id., ¶ 6.

3. Mr. Kennedy fails to attach the complete email chain, to which he was a party, which I attach as Exhibit 1 hereto.

4. In particular, I asked Kevin McGee, Esq., counsel for The Bank of New York Mellon ("BNYM"):

Kevin, please confirm the it is the custom and practice of The Bank of New York Mellon to accept service of supplemental service in the terms stated below by electronic means both from this firm and from Mr Kennedy's firm - in effect an "unwritten" agreement.

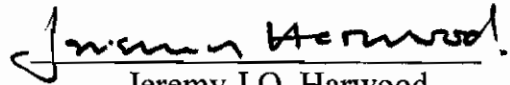
Many thanks

Ex. 1. (emphasis added)

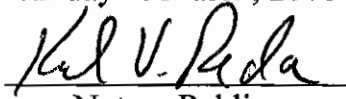
5. Mr. McGee replied:

As stated in our correspondence with Mr. Kennedy, it is The Bank of New York Mellon's standard practice, where the Court's original Order permits facsimile service of process, to accept supplemental service of Process via facsimile. This would apply whether the supplemental service originated with Blank Rome, Carter Ledyard & Milburn LLP, or any other firm.

Id.


Jeremy J.O. Harwood

Sworn to before me this
24th day of March, 2008


Notary Public

KARL V. REDA
Notary Public, State of New York
No. 30-4783126, Qual. in Nassau Cty.
Certificate Filed in New York County
Commission Expires Nov. 30, 2009

EXHIBIT 1

Harwood, Jeremy J.O.

From: Kevin McGee [KMcGee@rawle.com]
Sent: Tuesday, March 18, 2008 2:04 PM
To: Harwood, Jeremy J.O.; Kennedy, Donald
Cc: erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com; Carl Buchholz
Subject: RE: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473

Jeremy,

As stated in our correspondence with Mr. Kennedy, it is The Bank of New York Mellon's standard practice, where the Court's original Order permits facsimile service of process, to accept supplemental service of Process via facsimile. This would apply whether the supplemental service originated with Blank Rome, Carter Ledyard & Milburn LLP, or any other firm.

Very Respectfully,

Kevin L. McGee, Esquire
Rawle & Henderson, LLP
The Widener Building
One South Penn Square
Philadelphia, PA 19107
215-575-4431 - Phone
215-563-2583 - Fax

-----Original Message-----

From: Harwood, Jeremy J.O. [mailto:jharwood@BlankRome.com]
Sent: Tuesday, March 18, 2008 11:45 AM
To: Kevin McGee; Kennedy, Donald
Cc: erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com; Carl Buchholz
Subject: RE: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473

Kevin , please confirm the it is the custom and practice of The Bank of New York Mellon to accept service of supplemental service in the terms stated below by electronic means both from this firm and from Mr Kennedy's firm - in effect an "unwritten" agreement .
Many thanks

Jeremy J.O. Harwood | Blank Rome LLP
The Chrysler Building, 405 Lexington Avenue | New York, NY 10174-0208
Phone: 212.885.5149 | Fax: 917.332.3720 | Email: JHarwood@BlankRome.com

From: Kevin McGee [mailto:KMcGee@rawle.com]
Sent: Tuesday, March 18, 2008 10:35 AM
To: Kennedy, Donald

3/24/2008

Cc: Harwood, Jeremy J.O.; erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com; Carl Buchholz
Subject: RE: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473

Don,

Daily service upon The Bank of New York Mellon (incorrectly referred to as "BONY" in your email and papers), was made in accordance with the Order of Judge Preska dated January 23, 2008:

ORDERED, that following initial service by the United States Marshal or other designated process server upon each garnishee, supplemental service of Process of Maritime Attachment and Garnishment, as well as this Order, may be made by way of facsimile transmission or email to each garnishee....

There was/is no written agreement between plaintiff's counsel and the Bank with regard to daily service of process. However, as is The Bank of New York Mellon's standard practice, where the Court's original Order permits facsimile service of process, the Bank will accept supplemental service of Process via facsimile

Very Respectfully,

Kevin L. McGee, Esquire
Rawle & Henderson, LLP
The Widener Building
One South Penn Square
Philadelphia, PA 19107
215-575-4431 - Phone
215-563-2583 - Fax

-----Original Message-----

From: Kennedy, Donald [mailto:kennedy@clm.com]

Sent: Friday, March 14, 2008 5:01 PM

To: Kevin McGee

Cc: jharwood@blankrome.com; erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com

Subject: RE: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473

Kevin,
Thank you for your email.

Counsel for Seatrek Trans Pte Ltd. in their Memorandum of Law in Opposition to Defendant's Order to Show Cause stated in part on page 3:

BONY (like many other Clearing House banks) has an established policy to accept service of Rule B attachment orders, after the first hand delivery, by means of e-mail or fax, and to treat such service as effective throughout each business day on which service is made. Aff. ¶ 7. Thereafter, pursuant to BONY's agreement with Seatrek's counsel, daily service was made by electronic means. Aff. ¶ 8. (underscoring added)

Would you provide us with a copy of the agreement between BONY and Seatrek's counsel reference in their Memorandum of Law.
Don

Donald J. Kennedy

2 Wall Street
New York, NY 10005
Direct: (212) 238-8707
Fax: (212) 732-3232
mailto:kennedy@clm.com
http://www.clm.com/

From: Kevin McGee [mailto:KMcGee@rawle.com]
Sent: Friday, March 14, 2008 3:50 PM
To: Kennedy, Donald
Cc: jharwood@blankrome.com; erin.schembri@bnymellon.com;
robyn.monaco@bnymellon.com
Subject: FW: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H
File No. 442,183-473
Importance: High

Service of Process details as mentioned in previous correspondence -

<<Seatrek - Service of Process.pdf>>

Very Respectfully,

Kevin L. McGee, Esquire
Rawle & Henderson, LLP
The Widener Building
One South Penn Square
Philadelphia, PA 19107
215-575-4431 - Phone
215-563-2583 - Fax

-----Original Message-----

From: Kevin McGee
Sent: Friday, March 14, 2008 3:48 PM
To: 'Kennedy@clm.com'
Cc: jharwood@blankrome.com; 'erin.schembri@bnymellon.com'; 'robyn.monaco@bnymellon.com'
Subject: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473
Importance: High

<<(2323877 - 1) - BNYM_3-6-08_ltr_kennedy - #473.DOC>> <<Seatrek - Redacted Wire
details.pdf>> <<Seatrek - Redacted Wire details.pdf>>

Very Respectfully,

Kevin L. McGee, Esquire
 Rawle & Henderson, LLP
 The Widener Building
 One South Penn Square
 Philadelphia, PA 19107
 215-575-4431 - Phone
 215-563-2583 - Fax

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